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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 24th January, 1986/Magha 4, 1907 (Saka)

THE RAVI AND BEAS WATERS TRIBUNAL ORDINANCE, 1986

No. 2 OF 1986

Promulgated by the President in the Thirty-sixth Year of the Republic of India

An Ordinance to provide for the constitution of a Tribunal for the verification of the quantum of usage of water claimed by the farmers of Punjab, Haryana and Rajasthan from the Ravi-Beas system as on the 1st day of July, 1985, and the waters used for consumptive purposes and for the adjudication of the claim of Punjab and Haryana regarding the shares in their remaining waters.

WHEREAS paragraph 9.1 of the Punjab Settlement provides that the farmers of the States of Punjab, Haryana and Rajasthan will continue to get water not less than what they were using from the Ravi-Beas system as on the 1st day of July, 1985, and that waters used for consumptive purposes will also remain unaffected and the quantum of usage so claimed shall be verified by a Tribunal referred to in paragraph 9.2 of the said Settlement;

AND WHEREAS paragraph 9.2 of the said Punjab Settlement also provides that the claim of the States of Punjab and Haryana regarding the shares in their remaining waters will be referred for adjudication to a Tribunal to be presided over by a Supreme Court Judge;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title, extent and commencement.

1. (*1*) This Ordinance may be called the Ravi and Beas Waters Tribunal Ordinance, 1986.

(*2*) It extends to the States of Punjab, Haryana and Rajasthan.

(*3*) It shall come into force at once.

Definitions

2. In this Ordinance, unless the context otherwise requires,—

(*a*) "Punjab Settlement" means the Memorandum of Settlement on the Punjab problem signed at New Delhi on the 24th day of July, 1985;

(*b*) "Tribunal" means the Ravi and Beas Waters Tribunal constituted under section 3.

Constitution of Tribunal

3. (*1*) As soon as may be after the commencement of this Ordinance, the Central Government shall, by notification in the Official Gazette, constitute a Tribunal to be known as the Ravi and Beas Waters Tribunal for the verification and adjudication of the matters referred to in paragraph 9 of the Punjab Settlement.

(*2*) The Tribunal shall be a single member Tribunal presided over by a person nominated by the Chief Justice of India from amongst persons who at the time of such nomination are Judges of the Supreme Court.

(*3*) The Tribunal may appoint two or more persons as assessors to advise it in any proceeding before it.

(*4*) The presiding officer of the Tribunal and the assessors appointed under sub-section (*3*) shall receive such remuneration, allowances or fees as may be specified by the Central Government.

Adjudication of matters

4. (*1*) When a Tribunal has been constituted under section 3, the Central Government shall refer the matters specified in paragraph 9 of the Punjab Settlement to the Tribunal for verification and adjudication.

(*2*) The Tribunal shall investigate the matters referred to it and forward to the Central Government a report, within such period as may be specified in the reference under sub-section (*1*), setting out the facts as found by it and giving its decision on the matters referred to it.

(*3*) The Central Government shall publish the decision of the Tribunal in the Official Gazette, and such decision shall be final and binding on the parties to the proceeding before it and shall be given effect to by them.

Filling up of vacancies

5. If, for any reason, a vacancy (other than a temporary absence) occurs in the office of the presiding officer of the Tribunal, such vacancy shall be filled in accordance with the provisions of sub-section (*2*) of section 3 and the investigation of the matters referred to the Tribunal may be continued by the Tribunal after the vacancy is filled from the stage at which the vacancy occurred.

Powers of the Tribunal

5 of 1908

6. (*1*) The Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of documents and material objects;

(*c*) issuing commissions for the examination of witnesses or for local investigation.

(*2*) The Tribunal may require any State Government to carry out, or permit to be carried out, surveys and investigation as may be considered necessary for the verification or adjudication of any matter referred to it.

(3) Subject to the provisions of this Ordinance, the Tribunal may, by order, regulate its own practice and procedure.

Bar of jurisdiction of Courts

7. Notwithstanding anything contained in any other law, no court shall have, or exercise, jurisdiction in respect of the matters which may be referred to the Tribunal under this Ordinance.

Dissolution of the Tribunal.

8. The Central Government shall dissolve the Tribunal after it has forwarded its decision to the Central Government.

Ordinance to have overriding effect.

9. The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

ZAIL SINGH,
President

S. RAMAIAH,
Secy. to the Govt. of India.

CORRIGENDA

In the Administrative Tribunals (Amendment) Ordinance, 1986 (1 of 1986) as published in the Gazette of India, Extraordinary, Part II, Section 1 (No. 8), dated the 22nd January, 1986,—

(*a*) at page 2, in line 10, *for* "Government designate" *read* "Government, designate";

(*b*) at page 4, in line 31, *for* "unless—" *read* "unless he—";

(*c*) at page 5,—

(*i*) in line 1, *for* "in sub-section (*4*) and (*5*)" *read* 'in sub-sections (*4*) and (*5*)";

(*ii*) in the marginal heading of section 11, *for* 'section" *read* "sections".

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